

REMARKS

All of the previously pending claims, i.e., claims 1-4, 6 and 23-44 have been cancelled and new claims 45-110 have been added in order to expedite prosecution and advance the case towards issuance and in order to more fully protect the entire scope of the present invention. New claims 45-110 are fully supported by the application as filed and add no new matter.

I. The Written Description Rejection

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking sufficient written description. The Examiner seems to indicate that in order to satisfy the written description requirement the claims must be limited: (a) to bridge molecules that bind to CD28, 4-1BB or CTLA-4; (b) to bridge molecules that are bispecific monoclonal antibodies; and (c) hepatocellular carcinoma cells and colon carcinoma cells as the tumor cells.

In order to expedite prosecution and advance the case towards issuance, new claims 45-110 refer to hepatocellular carcinoma, lymphoma (see, e.g., examples 7 and 8), colon carcinoma, or gastric cancer cells (see, e.g., example 16) and bispecific monoclonal antibodies that bind to CD28, 4-1BB or CTLA-4. In view of the above, Applicant respectfully submits that this issue is now moot.

II. The Enablement Rejection

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled. The Examiner states that the specification is enabling only for specifically listed methods and compositions (see page 4, point 6 of the Office Action).

Applicant respectfully submits that this issue is now moot, as new claims 45-110 refer to compositions and methods which include a CD28, 4-1BB or CTLA-4 molecule and gp55, gp95, gp115 or gp210 antigens.

III. Miscellaneous Issues

Applicant respectfully submits that the prior objections and indefiniteness rejections are moot in view of the new claims

IV. The Anticipation Rejections

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Shi et al.

Applicant respectfully traverses to the extent these rejections may be held to apply to new claims 45-110. Applicant directs the Examiner's attention to the declaration from related application Serial No. 08/872,527 which demonstrates that the non-inventor authors of the article were acting under the direction and supervision of the inventor, Dr. Yajun Guo. Thus, the article is not prior art against the present claims. In view of the above, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

IV. The Double Patenting Rejections

Claim 6 stands provisionally rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims in copending Application No. 08/872,527.

Applicant respectfully requests that the Examiner hold this matter in abeyance until the claims in this application are found to be otherwise allowable as any further response at this time would be premature in view of the fact that the claims in this or the other application could change prior to issuance.

CONCLUSION

Applicant believes that this Response will now place the application in condition for allowance. If the amount enclosed is incorrect, please charge or credit Baker & McKenzie Deposit Account No. 02-0410 in the appropriate amount. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

All of the pending claims, i.e., claims 1-4, 6 and 23-44, were cancelled without prejudice.

New claims 45-110 were added.